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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA

**DECL. OF ANDREW D. SILVERMAN IN
SUPPORT OF ORACLE'S MOTION IN
LIMINE #6 REGARDING PROF. KEARL**

Hearing: April 27, 2016, 8:00 a.m.
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

SILVERMAN DECL. IN SUPPORT OF
ORACLE'S MOTIONS IN LIMINE #6
REGARDING PROF. KEARL

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called
6 upon as a witness, I could and would testify competently to the matters stated herein of my own
7 personal knowledge.

8 2. I submit this declaration in support of Oracle’s motion *in limine* and *Daubert*
9 motion regarding Prof. James Kearl, submitted pursuant to the Court’s Orders, ECF Nos. 1488,
10 1506, and 1509.

11 3. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of
12 Prof. James Kearl and corresponding exhibits, dated March 18, 2016, which is filed tentatively
13 under seal pursuant to the protective order.

14 4. Attached hereto as Exhibit 2 is a true and correct copy of the relevant excerpts of
15 the Deposition of Prof. James Kearl, dated March 23, 2016, which is filed tentatively under seal
16 pursuant to the protective order.

17 5. Attached hereto as Exhibit 3 is a true and correct copy of relevant excerpts of the
18 Supplemental Expert Report of Prof. Adam Jaffe, dated March 28, 2016, which is filed tentatively
19 under seal pursuant to the protective order.

20 I declare under penalty of perjury under the laws of the United States the foregoing is true
21 and correct.

22 Executed this 30th day of March, 2016, at New York, NY.

23
24 /s/ Andrew D. Silverman

25 Andrew D. Silverman
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